

// A special meeting of the Council of the City of Lynchburg, recessed from November 25, was held on the 16th day of December, 2003, at 1:00 P.M., in the Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Adams, Barksdale, Foster, Seiffert, Hutcherson 5

Absent: Dodson, Garber 2

// In the matter of Finance - General, a representative of Cherry, Bekaert & Holland presented the City's Comprehensive Annual Financial Report for fiscal year ending June 30, 2003, noting that the data contained in the report is accurate in all material respects and is reported in a manner designed to present fairly the financial position, results of operations, and cash flows, as applicable, of the various funds and component units of the City as of June 30, 2003.

// Deputy City Manager Bonnie Svrcek along with Ricky Steadman of the Commissioner of the Revenue's Office presented information regarding the need for an additional Business Auditor position in the Commissioner's Office to ensure compliance in all areas of business taxation. Ms. Svrcek explained that the position would be responsible for developing and implementing new compliance measures for businesses which fail to file required documents and that the position would generate approximately \$250,000 in recurring revenues which would more than offset the cost of the position. Ms. Svrcek also noted that \$23,645 is needed for FY2004 to fund the position through the end of the current fiscal year. On motion of Council Member Adams, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-192, as presented, amending the FY2004 Commissioner of Revenue budget and appropriating \$23,645 to fund a Business Auditor position through the end of the current fiscal year:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Garber 2

// City Manager Kimball Payne presented the FY 2005-FY 2009 Capital Improvements Program (CIP) submissions from the various departments. Mr. Payne explained that during the FY2004 budget process follow-up discussion, City Council expressed a need to review the CIP earlier in the budget process and that these submissions are presented for City Council's preliminary review. Mr. Payne went on to say that these submissions have not been edited for grammatical errors or reformatted from their original submissions. Mr. Payne reviewed briefly the CIP submissions focusing mainly on the new projects that were submitted.

// Vice Mayor Dodson arrived at 1:24 p.m. during Agenda Item #3.

// Council Member Garber arrived at 2:00 p.m. during Agenda Item #3.

// Municipal staff presented an update regarding the City's efforts to comply with the Virginia Pollutant Discharge Elimination System (VPDES) Phase II Stormwater Program as mandated by Congress under the Clean Water Act. Staff focused on the implementation plan and proposed budget, estimated at \$220,000 per year, which is needed to comply with the federal mandate.

City Council was informed that the first report, as required by the permit, to show the progress that the City has made to comply with the permit is due to the Virginia Department of Environmental Quality by March 27, 2004.

// Since City Council was ahead of schedule and no one was present for the next few items on the agenda, City Council decided to proceed with Agenda Item #8.

// City Manager Kimball Payne asked City Council to reaffirm its earlier action to allow an examination of LynCom and civilian employees in the Lynchburg Police Department with respect to the newly adopted Compensation Philosophy and to make appropriate adjustments, if any, effective January 1, 2004, coincident with adjustments to pay for sworn officers. City Manager Payne outlined his reasons for wanting to include the other Police Department positions and stated that he plans to gather information on those public safety positions early next year. Several Council Members stated that they did not realize that the resolution introduced at the November 25 meeting appropriating \$475,000 included pay raises for civilian Police employees and LynCom employees. They argued that turnover, recruiting difficulty and pay in relation to market were the three indicators the City's new pay philosophy says should be used to consider whether a department needs a pay adjustment and that Council had not been presented with information on those issues for anyone but the sworn Police officers. Council Member Adams stated that he could not support the proposal because he wasn't comfortable with the way the individual raises were determined, and that he was particularly troubled by the large increases some Police officers would be getting under the proposal. Council Member Adams also emphasized the attractive benefits package that public safety employees receive. Council Member Foster stated that she would support the proposal but was concerned that LynCom employees were not included, and that she would also like to receive a report on the Fire Department. Council Member Seiffert noted that the City's pay levels have traditionally been lower than those in other localities and he is concerned that Lynchburg is sending a message that it doesn't value public safety as much as other cities. Following discussion, City Council asked that the appropriation resolution, scheduled for second reading at the 7:30 p.m. meeting, be amended by reducing the amount of funding from \$475,000 to \$400,000 to fund pay increases as of January 1, 2004, for sworn Police officers only, and that any increases for the civilian Police employees and LynCom employees be considered during the FY2005 budget process.

// Municipal staff along with representatives from the Lynchburg Neighborhood Development Foundation and the Lynchburg Redevelopment and Housing Authority presented information regarding the need for the development of a City Housing Policy to guide City Council in decisions regarding affordable housing. Following the presentation, staff was asked to explore further the development of a housing policy.

// Lynchburg Neighborhood Development Foundation (LNDF) Executive Director Laura Dupuy provided an overview regarding a request to allow for a 15 year period during which real property taxes on improvements to certain rehabilitated properties are exempted. Ms. Dupuy explained that the State Code allows for an exemption period of up to 15 years while the City of Lynchburg provides the exemption for 10 years. Ms. Dupuy stated that certain projects, such as College Hill Homes and Central City Homes, would

benefit from the 15 year maximum abatement period. Following discussion, it was the consensus of City Council not to change the City's current 10 year exemption period.

// City Manager Kimball Payne along with Library Director Lynn Dodge asked that City Council reaffirm or eliminate the charges for non-residents to have borrowing privileges at the Lynchburg Public Library. Mr. Payne explained that two Council Members received an inquiry from a County resident who owns real property in the City and whose spouse is a teacher in the City school stating that they should not have to pay for a borrower's card since they pay City taxes. Following discussion, it was the consensus of City Council not to change the current policy.

// During roll call, Council Member Barksdale stated that this year's National League of Cities (NLC) conference was very informative and beneficial and asked that City Council revisit during the FY2005 budget process its earlier decision not to become a member of the National League of Cities. Mr. Barksdale also expressed concern that the youth of the City are not being afforded an opportunity to participate with youth from other cities who attend the NLC conference each year and asked that City Council also reconsider during the budget process its earlier decision not to provide funds to send representatives from the Mayor's Youth Council to the NLC conference. Mr. Barksdale also announced that he would not be seeking reelection to another term on City Council, and proposed an increase in Council Members salaries. Mr. Barksdale stated that the time and commitment required of Council Members is not reflected in their current salary and asked that City Council consider increasing the Mayor's annual salary to \$10,000, the Vice Mayor's salary to \$9,000, and each Council Member's salary to \$8,000. City Manager Kimball Payne explained that the State Code does not authorize a separate salary for the Vice Mayor and any proposed increase would need to be adopted four months prior to the date of the next municipal election, or prior to January 4. Some Council Members argued that increasing the salary may help encourage a broader segment of citizens to run for office, while Council Member Adams argued that there is a need for a citizen legislator, a person who is willing to make a sacrifice to do this, rather than getting all of the benefits and taking no burden on themselves. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted Ordinance #O-03-193 amending Section 2-16.1 of the City Code to increase the salary of the Mayor to \$10,000 per annum and to increase the salary of each Council Member to \$8,000 per annum, effective July 1, 2004:

Ayes: Barksdale, Foster, Garber, Seiffert, Hutcherson

5

Noes: Adams, Dodson

2

Council Member Seiffert mentioned receiving a letter from Adelphia's General Manager regarding another rate increase for cable television customers and expressed concern that there was no telephone number on the letter for citizens to call if they wanted to speak with the General Manager regarding the increase. In response to Vice Mayor Dodson's question, City Manager Kimball Payne provided information regarding the additional money needed for the Jefferson Street Park. Vice Mayor Dodson also informed that the School Board has selected two Board members to serve on the Internal Audit Committee. Mayor

Hutcherson stated that he would echo what Council Member Barksdale said earlier regarding the excellent workshops at this year's NLC conference.

// On motion of Mayor Hutcherson seconded by Council Member Seiffert, Council by the following seconded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions and for consultation with legal counsel and briefings by staff members regarding specific legal matters concerning water and sewer contracts with the counties and the rezoning of the Ericsson property, both of which require the provision of legal advice pursuant to Section 2.2-3711(A)(1) and (7), respectively, of the Code of Virginia, as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// Vice Mayor Dodson and Council Member Garber left at 7:10 p.m. and prior to any discussion regarding the rezoning of the Ericsson property.

// The meeting was re-opened to the public.

// Council Member Adams made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Barksdale, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Garber 2

// In the matter of Appointments, and on nomination of Council Member Adams, Council by the following recorded vote re-appointed Herman Calhoun, Grace Dean, Vice Mayor Dodson, John H. Hughes, III, Shanda Rowe, and Council Member Seiffert to serve on the Community Development Advisory Committee for terms to expire December 31, 2004:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Garber 2

On nomination of Council Member Adams, Council by the following recorded vote re-appointed Richard B. Worthington, II, to serve on the Planning Commission for a term to expire December 31, 2006:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Garber 2

On nomination of Council Member Adams, Council by the following recorded vote appointed Laura Lacy Hamilton to serve on the Planning Commission for a term to expire December 31, 2006:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Garber 2

On nomination of Council Member Adams, Council by the following recorded vote appointed Don L. Adams, William H. Cooper, Jr., and Stanley E. Strickler to serve on the Lynchburg Business Development Centre Board for terms to expire September 30, 2006:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Garber 2

On nomination of Council Member Adams, Council by the following recorded vote re-appointed Ida Powell to serve on the Community Services Board for a term to expire December 31, 2006:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Garber 2

On nomination of Council Member Adams, Council by the following recorded vote appointed Dana Koenig to serve on the Community Services Board for a term to expire December 31, 2006:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Garber 2

On nomination of Council Member Adams, Council by the following recorded vote re-appointed Dr. John M. Borek, Jr. and William V. Giles, Jr. to serve on the Lynchburg Regional Airport Commission for terms to expire December 31, 2006:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Garber 2

On nomination of Council Member Adams, Council by the following recorded vote appointed Janice S. Crawford to serve on the Lynchburg Regional Airport Commission for a term to expire December 31, 2006:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Garber 2

On nomination of Council Member Adams, Council by the following recorded vote appointed Dr. Chalmers M. Nunn, Jr. to fill an unexpired term on the Lynchburg Regional Airport Commission ending December 31, 2004:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Garber	2

On nomination of Council Member Adams, Council by the following recorded vote appointed Andrew L. Vest, John H. McCorkhill, Barry K. Martin, Blake E. Isley, III, Kevin D. Jones, Jim R. Martin, Joseph H. Read, Jane M. Rigney-Trent, and Johnny Shaner to serve on the Towing Advisory Board for terms to expire December 31, 2006:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Garber	2

On nomination of Council Member Adams, Council by the following recorded vote re-appointed Richard E. Patterson to serve on the Disability Services Board for a term to expire October 31, 2006:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Garber	2

On nomination of Council Member Adams, Council by the following recorded vote appointed Rosie Gantt to serve on the Design Review Board for a term to expire December 31, 2006:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson	5
Noes:	0
Absent: Dodson, Garber	2

// The meeting was adjourned at 7:20 p.m.

---

Clerk of Council

December 16, 2003

149

// A regular meeting of the Council of the City of Lynchburg was held on the 16th day of December, 2003, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Mayor Hutcherson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance.

The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the November 25 (three meetings) and December 3, 2003 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Economic Development - General, City Council Report #2 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-194, as presented, amending the FY 2004 General Fund Budget and appropriating \$150,000, fully reimbursable, for the Framatome expansion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Registrar, City Council Report #3 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-195, as presented, amending the FY 2004 General Fund Budget and appropriating \$21,620, to provide supplemental funding to the Electoral Board/Registrar's office for costs associated with the February 2004 Democratic primary, ballots for the May 2004 City Council election, and statewide training for the Registrar and Deputy Registrar:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Refuse, City Council Report #4 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-196, as presented, amending the FY 2004 Solid Waste Management Operating Fund Budget and appropriating \$109,105 and \$30,891 for the refuse collection and recycling gainsharing programs:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #5 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-197, as presented, amending

the FY 2004 Capital Improvements Plan (CIP) and appropriating \$50,000, with resources from the City Capital Projects Fund Designated Fund Balance, to support the capital improvements to Wards Road, and authorizing the City Manager to sign an agreement for this project:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire - General, City Council Report #6 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-198, as presented, amending the City/Federal/State Aid Projects Fund FY 2004 budget and appropriating \$61,068, fully reimbursable, to purchase personal protective, search and rescue, and logistical support equipment for the Fire and EMS Department:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire - General, City Council Report #7 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-199, as presented, amending the FY 2004 General Fund Budget and appropriating \$20,000 from the FY 2004 General Fund for Contingencies for the purchase of uniforms in accordance with the Fire Department's recently revised Uniform Policy:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Code/Fire - General, City Council Report #8 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0-03-200, as presented, amending Section 19-42 of the City Code relating generally to the fire prevention code:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning – Community Development, a public hearing was held regarding City Council Report #9 regarding the reallocation of \$40,000 of FY 2001-02 and FY 2002-03 Community Development Block Grant Funds from the College Hill Acquisition project to the Daniel's Hill Neighborhood Acquisition project for the purchase of 317 Cabell Street. Administrative and Grants Coordinator Melva Walker provided a brief overview of the request. There was no one else present who wished to speak to this item. On motion of Vice Mayor Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-201, as presented, approving the reallocation of \$40,000 of FY 2001-02 and FY 2002-03 Community Development Block Grant Funds from the College Hill Acquisition project to the Daniel's Hill Neighborhood Acquisition project for the purchase of 317 Cabell Street:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0



// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report # 10 outlining the petition of Gantt Investment Corporation to rezone approximately .2 acre at 813 Mercury Street from R-2, Single-Family Residential District to B-3, Community Business District (Conditional), to allow construction of an office complex with parking. City Planner Tom Martin provided a brief summary of the request. Mr. Joe Gantt outlined the request and asked for approval. There was no one else present who wished to speak to this item. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Ordinance #0-03-202, as presented, granting the petition:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

7

Noes:

0

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report # 11 outlining the petition of Jerry Falwell Ministries regarding amending the Future Land Use Map for an area in the vicinity of 100 Mountain View Road from "Employment 2" to "Institutional" and "Regional Commercial", rezoning approximately 235 acres at 100 Mountain View Road and Liberty Mountain Drive from B-3, Community Business District (Conditional) to B-3, Community Business District (Conditional), and from I-2, Light Industrial District, to B-5, General Business District (Conditional), and for a Conditional Use Permit at 100 Mountain View Road, 1971 University Boulevard and Liberty Mountain Drive to allow University and K-12 uses. Vice Mayor Dodson stated that since Dodson Brothers Exterminating Company has a contract to provide pest control services to Liberty University and to some of the buildings located on the former Ericsson property, he would not participate in or vote on the zoning petitions. Council Member Garber stated that since his wife is an employee of Liberty University he would not participate in or vote on the zoning petitions. Both Vice Mayor Dodson and Council Member Garber left the podium and exited the City Council Chamber at 7:43 p.m. Community Planning Director Rachel Flynn stated that based on new information received from Economics Research Associates, both the Planning Commission and Planning Division are recommending approval of a Future Land Use Map amendment from "Employment 2" to "Institutional" and "Regional Commercial" to allow the uses as submitted in the rezoning and conditional use permit petitions and to allow for a possible future rezoning of the remainder of the property for a retail shopping center. City Planner Tom Martin stated that the submitted rezoning and conditional use permit petitions to allow church, university and K-12 school uses on the properties would require four separate actions by City Council, i.e., a Future Land Use Map amendment from "Employment 2" to "Institutional" and "Regional Commercial", a rezoning of approximately 123 acres (Area B) located on Liberty Mountain Drive from B-3 (Conditional), Community Business District, to B-3 (Conditional), Community Business District, to amend previously approved proffers, a rezoning of approximately 83 acres (Area C) located at 100 Mountain View Road from I-2, Light Industrial District, to a commercial zoning to allow for church, university and K-12 school uses, and approval of a Conditional Use Permit to allow university and K-12 school uses on the properties located at 1971 University Boulevard, Liberty Mountain Drive, and 100 Mountain View Road subject to conditions

outlined in the report. Mr. Martin explained that the rezoning request from B-3 (Conditional), Community Business District, to B-3 (Conditional), Community Business District, is to remove previously approved proffers to allow the future development of the site for student housing and parking areas. Mr. Martin went on to say that the voluntarily submitted proffers that limit tree clearance and provide for the reforestation of certain areas after development are acceptable to the Planning Division. Mr. Martin explained that the rezoning request from I-2, Light Industrial District, to B-5, General Business District (Conditional) for an 83 acres portion of the property at 100 Mountain View Road is to allow for church, university and K-12 school uses. Mr. Martin stated that the petitioner submitted proffers following the Planning Commission's public hearing that would limit any new development of the property to church, university and K-12 uses, while allowing the existing building to be used for uses in a B-5 district with some exclusions. Mr. Martin went on to say that although the newly submitted proffers are acceptable to the Planning Division, one proffer needs to be clarified to indicate 10,000 "on campus and commuting" students. Mr. Martin explained that the conditional use permit request is to remove previously approved conditions from the Liberty University Main Campus located at 1971 University Boulevard (Area A), to allow student housing and parking areas associated with the University on Liberty Mountain Drive (Area B), and to allow University and K-12 school uses on property located at 100 Mountain View Road (Area C). Mr. Martin noted that a number of road improvements are included in the Conditional Use Permit based upon a traffic study that was done to address the impacts from the proposed development. Mr. Martin went on to say that the Planning Division is also suggesting that a condition be added that would limit any new access points to the property at 100 Mountain View Road. Mr. Jerry Falwell, Jr., along with William E. McRorie, representing the petitioner, outlined the request and provided an overview regarding why a B-5 (Conditional) zoning classification is needed for the approximately 83 acres (Area C) located at 100 Mountain View Road. Mr. Falwell acknowledged that the petitioner understands that while certain B-5 uses would be allowed in the existing building, any uses other than university, church or K-12 outside of the building would require further review by the City and could possibly involve a conditional use permit, rezoning or amendment to proffers. Mr. Falwell presented amended proffers for Area C which state that the area shall be developed in substantial compliance with the November 4 site plan, that expansion projects relating to university, church or K-12 uses are permitted providing all conditions of the Conditional Use Permit are met and student enrollment of Liberty University does not exceed 10,000 "on campus and commuting" students. Mr. Falwell directed that a copy of the amended proffers, which were signed by Thomas C. Brooks, Sr., of Acres of Virginia, Inc., on behalf of the petitioner, be presented to City Planner Tom Martin. Mr. Falwell also stated that the petitioner agrees that no further access points shall be added to the property at 100 Mountain View Road, and that bonding would be obtained for all of the required road improvements included in the Conditional Use Permit, including the "on ramp" to U. S. Route 460, within 15 days following action taken by City Council. There was no one else present who wished to speak to this item. At the request of Council Member Barksdale, Planning Commission Chair Wayne Dalhgren provided a brief overview regarding why a B-1 instead of a B-5 zoning classification was recommended for the 83 acres, and noted that the

proffers were not reviewed by the Planning Commission. Mr. Falwell provided an explanation as to why the proffers were submitted following the Planning Commission's public hearing. Upon Council questioning, City Traffic Engineer Gerry Harter explained that he is in the process of reviewing the estimates for the road improvements that he received from the petitioner, and that 30 instead of 15 days would be desirable to complete that review. Mr. Falwell agreed to obtain bonding for all of the required road improvements, including the "on ramp" to U. S. Route 460, within 30 days following action taken by City Council. On motion of Council Member Seiffert, seconded by Council Member Barksdale, Council by the following recorded vote adopted Ordinance #0-03-203, as presented, approving an amendment to the Future Land Use Map to conform to a map entitled "100 Mountain View Road, Prepared Land Use Plan," dated November 20, 2003, prepared by the Community Planning and Development Department, changing an area from "Employment 2" to "Institutional" and "Regional Commercial":

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Garber 2

On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted Ordinance #O-03-204, as presented, approving the rezoning of approximately 123 acres located on Liberty Mountain Drive from B-3 (Conditional), Community Business District, to B-3 (Conditional), Community Business District, to amend previously approved proffers:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Garber 2

On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #O-03-205, as amended to include the amended proffers submitted at the December 16 Council meeting, and approving the rezoning of approximately 83 acres located at 100 Mountain View Road from I-2, Light Industrial District, to B-5 (Conditional), General Business District:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Garber 2

On motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-206, as amended to require that the petitioner obtain bonding for all road improvements listed in condition #4 within 30 days of the approval of the conditional use permit, and by adding a condition which states that no further access points shall be added to the property at 100 Mountain View Road, and approving the Conditional Use Permit to Liberty University, Inc., and Lynchburg Christian Academy, for use of the property at 100 Mountain View Road, 1971 University Boulevard, and Liberty Mountain Drive to allow educational uses subject to certain conditions:

Ayes: Adams, Barksdale, Foster, Seiffert, Hutcherson 5

Noes: 0

Absent: Dodson, Garber 2

// Vice Mayor Dodson and Council Member Garber returned to the meeting at 8:40 p.m.

// In the matter of Fire - General, Art Lipscomb, President of the Lynchburg Firefighters' Association, and Ronnie Lewis, of the Lynchburg Progressive Firefighters' Association, applauded City Council's efforts in addressing the salary concerns in the Police Department, but asked for an equal opportunity to present similar concerns for both the firefighters and EMS personnel. Mr. Lewis explained that the Fire Department is now in the process of gathering the data to submit to the City Manager.

// In the matter of Community Planning - General, City Council Report #13 was considered. On motion of Council Member Adams, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-03-207, as presented, approving a preliminary subdivision plat entitled "Plat Showing Section 4, Lots 1-30, New Towne, Property of Long Meadows, Inc.," made by Acres of Virginia, Inc., dated September 29, 2003 and revised November 3, 2003, subdividing 27.82 acres of land off Wessex Road into thirty (30) lots for residential development, including the dedication of the extension of Wessex Road, and Judd Court and dedicating a new public street:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, Resolution #R-03-190 amending the FY2004 Budget and appropriating \$475,000 for the purpose of adjusting salaries in the Police Department effective January 1, 2004, laid over from the November 25, 2003 meeting, was again presented and read. City Manager Kimball Payne stated that at City Council's request, the resolution has been amended to reflect an appropriation of \$400,000 for adjusting salaries for sworn police officers. Council Member Adams stated that he could not support the proposal because he wasn't comfortable with the way the individual raises were determined. Other Council Members argued that City Council had been presented with information to support the salary increases for sworn officers. Council Member Foster stated that she was concerned that LynCom employees were not included and asked for a report on the Fire Department. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R-03-190, as amended, amending the FY2004 Budget and appropriating \$400,000 for the purpose of adjusting salaries for sworn police officers in the Police Department effective January 1, 2004:

Ayes: Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 6

Noes: Adams 1

// The meeting was recessed at 8:56 P.M. to December 18, at 6:30 P.M., to meet with the Campbell County Board of Supervisors at Spring House Restaurant.

---

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from December 16, was held on the 18th day of December, 2003, at 6:30 P.M., at the Spring House Restaurant, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to meet with the Campbell County Board of Supervisors. The following Members were present:

Present: Garber, Seiffert, Hutcherson 3

Absent: Adams, Barksdale, Dodson, Foster 4

// Following dinner, Council and Board Members discussed development of the joint industrial park located near the Lynchburg Regional Airport. Discussion focused on a Regional Airport Authority to operate the Airport and eventually own, operate and administer funding for the park. Following discussion, it was agreed that the Airport Commerce Park Project Management Committee, which is comprised of two representatives from each jurisdiction's Industrial Development Authority, the Economic Development Director from each jurisdiction, and the City Manager and County Administrator, would look at various options and solutions for development of the joint industrial park and bring that information back to both bodies for further discussion.

// The meeting was adjourned at 8:15 p.m.

---

Clerk of Council